

BE IT REMEMBERED THE HENRY COUNTY COUNCIL OF HENRY COUNTY, INDIANA, met in regular session in the Courthouse Circuit Courtroom, in the City of New Castle, Indiana on Wednesday, April 26, 2017 at 3:30 P.M., with the following members present: Nate Lamar, Steve Dugger, Richard Bouslog, Harold Griffin, Robin Reno-Fleming, Mike Thalls, Clay Morgan, Patricia A. French, Auditor, County Attorney's Joel Harvey and Scott Hayes.

Mr. Lamar introduced the New Castle High School AP US Government students who was shadowing the council members in observance of National County Government Month. The students were Patrick Dalton, Dezmond Farrell, Joe Garvin, Jonathan Personett, Sonja Piercy, Makayla Poe, and Andrew Yousak.

The meeting was opened with the invocation given by Jonathan Personett who shadowed Mr. Morgan followed with the Pledge to the Flag by Dezmond Farrell who shadowed Mr. Dugger.

A motion was made by Mrs. Fleming and seconded by Mr. Griffin to approve the minutes from the August 2016 budget meetings and 2017 salary ordinances. Motion carried 6-0.

A motion was made by Mr. Morgan and seconded by Mr. Bouslog to approve the minutes from the March 22 regular meeting. Motion carried 6-0.

Missy Modesitt gave an update on the Chamber of Commerce's Memorial Day Parade starting at 10 am on May 29th, followed by a festival from 11-3 at Baker Park. Missy also wanted to make sure the public knew the downtown business were still open during the road construction.

Corey Murphy gave an update on the upcoming Henry County Comprehensive Plan meeting on Wednesday May 17th at the Knightstown Hoosier Gym from 10:30-1:30 or 4:00-7:00, this meeting is open to the public.

The Form CF-1 was accepted for Boar's Head Provisions Co. Compliance Report.

A motion was made by Mr. Dugger and seconded by Mr. Bouslog to approve the Micronutrients Bond Ordinance. Motion carried 6-0.

ORDINANCE NO. 2017-5 (4-26)

ORDINANCE AUTHORIZING HENRY COUNTY, INDIANA TO ISSUE ITS "ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2017 (MICRONUTRIENTS PROJECT)" AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Henry County Economic Development Commission ("Commission") has rendered its Project Report regarding the financing of proposed economic development

facilities by Micronutrients USA LLC ("Company") and the Project Report will be submitted to the Henry County Plan Commission for comment thereon; and

WHEREAS, the Commission conducted a public hearing on April 10, 2017 and adopted a resolution and Project Report, which resolution and Project Report have been transmitted hereto, finding that the financing of certain economic development facilities, including a manufacturing facility to be constructed on a 25-acre site by the Company ("Project"), complies with the purposes and provisions of IC 36-7-11.9 and -12 and that such financing will be of benefit to the health and welfare of Henry County, Indiana ("County" or "Issuer") and its citizens; and

WHEREAS, the Commission has heretofore approved and recommended the adoption of this form of ordinance by this County Council, has considered the issue of adverse competitive effect and has approved the forms of and has transmitted for approval by the County Council the Financing and Covenant Agreement ("Financing Agreement"), the Bond Purchase Agreement ("Purchase Agreement") and the Trust Indenture ("Indenture");

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF HENRY COUNTY, INDIANA, THAT:

Section 1. It is hereby found that: (i) the financing of the Project referred to in the Financing Agreement approved by the Commission and presented to this County Council; (ii) the issuance and sale of the County's Economic Development Revenue Bonds, Series 2017 (Micronutrients Project) ("Bonds"); (iii) providing the proceeds of the Bonds to the Company for the construction of the Project; (iv) the payment of the Bonds from TIF Revenues (as defined in the Indenture); and (v) the securing of the Bonds under the Indenture, complies with the purposes and provisions of IC 36-7-11.9 and -12 (collectively, "Act") and will be of benefit to the health

and welfare of the County and its citizens. The proceeds of the Bonds will be used for financing a portion of the construction and equipping of the Project, in or physically connected to the 2012 Consolidated Economic Development Area and the Micronutrients Allocation Area (each as defined in the Indenture), located in the County, and to pay costs of issuance of the Bonds. The County Council further finds, determines, ratifies and confirms that the promotion of economic development and the creation of job opportunities in and near the County is desirable to preserve the health, safety and general welfare of the citizens of the County and that it is in the public interest that the Commission and the County take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the County.

Section 2. The substantially final forms of the Financing Agreement, the Indenture and the Purchase Agreement approved by the Commission are hereby approved (herein collectively referred to as the "Financing Documents," referred to in the Act), and the Financing Documents shall be incorporated herein by reference and shall be inserted in the minutes of the County Council and kept on file by the Auditor. In accordance with the provisions of IC 36-1-5-4, two (2) copies of the Financing Documents are on file in the office of the Auditor for public inspection.

Section 3. The County may issue its Bonds, maturing no later than twenty-five (25) years after the date of issuance of the Bonds, in the aggregate principal amount not to exceed \$3,500,000. The Bonds are to be issued for the purpose of procuring funds to pay a portion of the costs of financing the Project, all as more particularly set out in the Financing Documents, incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest from TIF Revenues pursuant to the Financing Documents or as otherwise provided

in the Indenture. The Bonds shall be issued in fully registered form in minimum denominations of \$100,000 and integral multiples of \$.01 thereafter or as provided in the Indenture, payable semiannually on February 1 and August 1. The Bonds shall be subject to optional redemption prior to maturity at the option of the County, on any date, upon seven (7) days' written notice, at face value, plus in each case accrued interest to the date fixed for redemption, with no premium, as further provided in the Indenture. The Bonds may be issued as term bonds subject to mandatory sinking fund redemption. Payments on the Bonds are payable in lawful money of the United States of America by check mailed or delivered to the registered owners or by wire transfer as provided in the Indenture. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the County as described in the Indenture.

Section 4. The Board of Commissioners and the Auditor are authorized and directed to sell the Bonds to the bond purchaser thereof at a price not less than 100% of the par value thereof. The Bonds shall bear interest at a rate not to exceed 6.0%.

Section 5. The Bonds may be both purchased by the bond purchaser in installments and drawn down by the Company in installments (subject to the Internal Revenue Code).

Section 6. The Board of Commissioners and the Auditor are authorized and directed to execute, attest, affix or imprint by any means the County seal to the documents constituting the Financing Documents approved herein on behalf of the County and any other document which may be necessary or desirable to consummate the transaction, including the Bonds authorized herein. The Board of Commissioners and the Auditor are hereby expressly authorized to approve any modifications or additions to the documents constituting the Financing Documents which take place after the date of this ordinance with the review and advice of the

counsel; it being the express understanding of this County Council that the terms of the Financing Documents are in substantially final form as of the date of this ordinance. The approval of said modifications or additions shall be conclusively evidenced by the execution and attestation thereof and the affixing of the seal thereto or the imprinting of the seal thereon; provided, however, that no such modification or addition shall change the maximum issuance amount or maturity amount of, interest rate on or term of the Bonds as approved by the County Council by this ordinance without further consideration by the County Council. The signatures of the Board of Commissioners and the Auditor on the Bonds may be either manual or facsimile signatures. The Auditor is authorized to arrange for delivery of such Bonds to the trustee named in the Indenture. Payment for the Bonds will be made to the trustee named in the Indenture, and after such payment the Bonds will be delivered by the Trustee to the purchasers thereof. The Bonds shall be originally dated as of the issue date.

Section 7. The provisions of this ordinance and the Indenture securing the Bonds shall constitute a contract binding between the County and the holders of the Bonds, and after the issuance of the Bonds, this ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as the Bonds or the interest thereon remains unpaid.

Section 8. This ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the County Council of Henry County, Indiana this 26th day of April, 2017.

A motion was made by Mr. Morgan and seconded by Mrs. Fleming to approve a 10 year tax abatement for Micronutrients for real and personal property. Motion carried 6-0. Product Development Director of Micronutrients Nick Lazier spoke about the company. The company started in 1994, in 2010 a facility was built in Indianapolis and has had two expansions since opening. The total number of jobs is planned at 50, with room for expansion. The average pay will be \$21.54 an hour plus benefits and bonuses. Mr.

Lazier is expecting an aggressive growth pattern in upcoming years in Henry County, stating the employee retention at the Indianapolis location is excellent. Mr. Bouslog and Mr. Morgan visited the Indianapolis location, they noted the cleanliness of the building and how it was non-polluting, and had good culture for its employees.

Corey Murphy presented future information on Micronutrients Allocation Area Impact Statements and Tax Increment Financing Districts Allocation Area Reports.

A motion was made by Mrs. Fleming and seconded by Mr. Griffin to approve the Pictometry Non-Reverting Fund Ordinance. Motion carried 6-0.

Ordinance No. 2017-3 (4-26)

AN ORDINANCE CREATING A NON-REVERTING FUND

WHEREAS, Henry County has entered into a contract with Pictometry International Corporation (“Pictometry”) under which Pictometry will provide Henry County with aerial imaging services, software and support; and,

WHEREAS, Henry County is required to pay for the services provided pursuant to the terms of the contract; and,

WHEREAS, a new non-reverting fund is needed to receive funds and pay invoices related to the Pictometry contract.

NOW THEREFORE, BE IT ORDAINED by the Henry County Council, that there is hereby created a non-reverting fund entitled the “Pictometry Non-Reverting Fund”. The fund shall be used only for the purpose of receiving funds and paying claims related to the services provided by Pictometry.

This Ordinance shall become effective immediately upon adoption by the Henry County Council and the Board of Commissioners of Henry County.

A motion was made by Mr. Dugger and seconded by Mr. Thalls to approve the resolution for the Congressional School Principal Fund in the amount of \$21,969.48 upon legal review. Motion carried 5-1, with Mr. Morgan voting against.

RESOLUTION NO. 2017-3 (4-26)

**RESOLUTION TRANSFERRING THE SUM OF \$ 21,969.48 FROM THE
CONGRESSIONAL SCHOOL PRINCIPAL FUND TO THE STATE OF INDIANA**

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COUNCIL OF HENRY COUNTY, INDIANA, THAT:

SECTION 1. The sum of \$ 21,969.48 is hereby transferred from the Congressional School Principal Fund 1125 pursuant to Indiana Code 20-42-2-4.5 of Henry County, to the State of Indiana, Treasurer of State.

SECTION 2. This resolution shall be in full force and effective after its passage approval and confirmation, as required by law.

Dated April 26, 2017

A motion was made by Mr. Bouslog and seconded by Mr. Morgan to approve additional appropriation for Housing of Prisoners from Public Safety LOIT in the amount of \$6,895.00 Motion carried 6-0.

A motion was made by Mr. Morgan and seconded by Mr. Thalls to approve the additional appropriation for General Road Maintenance from LOHUT in the amount of \$600,000.00. Motion carried 6-0.

A motion was made by Mr. Morgan and seconded by Mr. Thalls to approve the additional appropriation for General Road Maintenance from the Community Crossing Grant fund in the amount of \$2,000,000.00. Motion carried 6-0.

A motion was made by Mrs. Fleming and seconded by Mr. Dugger to approve the transfer for the Assessor for \$2,295.00 from Office Supplies to Computer Software under Reassessment. Motion carried 6-0.

A motion was made by Mr. Morgan and seconded by Mr. Griffin to approve an amended salary ordinance for the Health Department for EHS/Health Education Director at a rate of \$42,774.00 yearly. Motion carried 6-0.

A motion was made by Mr. Morgan and seconded by Mrs. Fleming to approve the retirement payout for Debbie Sexton, a Highway Department Employee in the amount of \$6,279.22. Motion carried 6-0.

A motion was made by Mr. Morgan and seconded by Mr. Griffin to approve the Food and Beverage request from New Castle Babe Ruth to purchase a Gator with monies saved from the original request from Smith Implements in the amount of \$7400.00 for field maintenance. Motion carried 6-0.

Mr. Griffin gave an update on the Job Classification and Salary Advisory Committee meeting. The committee had reorganization and named Mr. Griffin chairman and Patricia French as secretary. In the meeting it was discussed that a department head can replace an employee if the money is already budgeted, if they are hiring for a new position or a salary change the department head has to come to the Job Classification and Salary Advisory Committee for approval.

A motion was made by Mr. Dugger and seconded by Mr. Thalls to approve the amended salary ordinance establishing a rate of pay for an Assistant Highway Superintendent. The salary for this position will be \$42,774.00 yearly and will be combined with the Garage Foreman position. Motion carried 6-0.

Steve Rust spoke about needing an appropriation for drainage repairs that are not normally covered under Drain Maintenance or Drain Improvements. Mr. Rust wanted council to review his request during budget workshops, allowing for \$10,000-\$20,000 budgeted for non-navigable drains. Mr. Rust also requested interest be deposited into his funds.

A motion was made by Mr. Thalls and seconded by Mr. Dugger to adjourn the meeting. Motion carried 6-0.

Nate Lamar, President

Steve Dugger, Vice President

Harold Griffin

Robin Reno-Fleming

Richard Bouslog

Clay Morgan

Mike Thalls

ATTESTED BY: _____
Patricia A. French, Henry County Auditor

